

- that Complainant had not filed a response nor had Complainant tendered responses to Respondent's discovery requests.
8. On April 10, 2003, Complainant filed a letter, dated January 31, 2003, indicating his intention not to pursue this matter further; however, there was no certificate of service on opposing counsel attached.
 9. On April 23, 2003, Respondent appeared through counsel; Complainant did not appear. Respondent represented that he had received a copy of the January 31, 2003, letter from Complainant; therefore, I placed the letter of record.
 10. Respondent further represented it still had not received a written response to its motion or to its discovery requests.

CONCLUSION OF LAW

The failure of Complainant to propound discovery, to answer Respondent's discovery requests, or to file a response to Respondent's motion to dismiss, has resulted in unreasonable delay, justifying dismissal of this Complaint with prejudice.

DISCUSSION

Section 5300.750(e) of the Procedural Rules of the Illinois Human Rights Commission authorizes a recommendation for dismissal with prejudice where a party fails to appear at a scheduled hearing without requesting a continuance reasonably in advance, or unreasonably refuses to comply with any Order entered, or otherwise engages in conduct which unreasonably delays or protracts the proceedings. Similarly, 775 ILCS 5/8A-102(l)(6) authorizes a recommended order of dismissal, with prejudice, or of default as a sanction for a party's failure to prosecute her case, appear at a hearing, or otherwise comply with this Act, the rules of the Commission, or a previous Order of the Administrative Law Judge.

The record indicates that Complainant has ignored Commission orders to propound and answer discovery, has failed to appear for scheduled hearings on February 26, 2003 and April 23, 2003, and has failed to file a response to Respondent's motion to dismiss, as ordered.

As Complainant has taken no steps to indicate his desire to pursue this matter, I can take no other action in this case except to dismiss the Complaint.

RECOMMENDATION

Therefore, I recommend that this Complaint and the underlying Charge be dismissed with prejudice.

HUMAN RIGHTS COMMISSION

BY: _____

**SABRINA M. PATCH
Administrative Law Judge
Administrative Law Section**

ENTERED: April 28, 2003